

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MERETTA WEBBER,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 2:07-CV-02534-SHM
vs.)	
)	
FISERV CIR., INC., and THIRD)	
PARTY SOLUTIONS, INC.,)	
)	
Defendant.)	
_____)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants Fiserv CIR, Inc. ("Fiserv CIR") and Third Party Solutions, Inc. ("TPS") (collectively "Defendants"), through undersigned counsel and pursuant to Fed. R. Civ. P. 56, hereby move for summary judgment against Plaintiff and in favor of Defendants on all of Plaintiff's claims.

Plaintiff filed an administrative charge against TPS and this lawsuit against Defendants while engaged in bankruptcy proceedings in the United States Bankruptcy Court for the Western District of Tennessee. Despite having full knowledge of her putative claims against Defendants, which she valued at over one million dollars, Plaintiff failed to disclose these claims to the Bankruptcy Court as a potential asset and denied, under penalty of perjury, the existence of any such administrative charges or contingent claims. The Bankruptcy Court subsequently relied on Plaintiff's fraudulent statements regarding her

financial position and acted on that basis. Plaintiff's actions jeopardize the integrity of the judicial process. Accordingly, this Court should apply the doctrine of judicial estoppel and ensure that Plaintiff is not permitted to benefit from her improper behavior.

For the foregoing reasons and as more fully set out in the accompanying Memorandum of Facts and Law in Support, the Court should grant Defendants' motion for summary judgment and dismiss all of Plaintiffs claims against Defendants.

Respectfully submitted this 18th day of February, 2008.

s/ Susan W. Pangborn
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Attorneys for Defendant Third Party
Solutions, Inc. and Defendant Fiserv CIR,
Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2008 a copy of the foregoing **DEFENDANTS'**
MOTION FOR SUMMARY JUDGMENT was served upon Plaintiff by depositing a copy
thereof in U.S. Mail, first-class postage prepaid, to the following address:

Meretta Webber
5884 Port Haven Drive
Millington, Tennessee 38053

I also certify that a copy of the document has been electronically filed with the Court.

Signed: s/ Yendelela M. Neely
Attorney for Defendant